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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 UNITED STATES OF AMERICA,  
15 Plaintiff,  
16 v.

17 JOSE FRANCISCO LEYVA,  
18 Defendant,

19  
20 COMP TECH SERVICES,  
21 Garnishee.

CASE NO. CR 05-00671 WHA  
WRIT OF CONTINUING GARNISHMENT

22 TO: Comp Tech Services  
23 1714 Franklin St., #100-211  
24 Oakland, CA 94612

25 **YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE**  
26 **UNITED STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE**  
27 **DEFENDANT -JUDGMENT DEBTOR HAS A SUBSTANTIAL NONEXEMPT INTEREST.**  
28

Writ of Continuing Garnishment  
Case No: CR 05-00671 WHA

1 The name, last known address, and last four digits of the social security number of the person  
2 who is the defendant-judgment debtor ("defendant") in this action and whose property is subject to this  
3 Writ are as follows:

4 Jose Leyva  
5 610 Bainbridge St.  
6 Foster City, CA 94404  
Social Security Number (last four digits): XXX-XX-0681

7 This Writ has been issued at the request of the United States of America to enforce the collection  
8 of a criminal judgment entered in favor of the United States against the debtor for a debt in the original  
9 amount of \$83,246.83. There is a balance due of approximately \$77,598.60.

10 The following are the steps that you must take to comply with this Writ. If you have any  
11 questions, you should consult with your attorney.

12 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or possession  
13 any property of the debtor (including wages, salary, commissions, or bonuses; or periodic payments  
14 pursuant to a pension or retirement program) in which the debtor has a substantial nonexempt interest, or  
15 if you obtain custody, control, or possession of such property while this Writ is in effect, you must  
16 immediately withhold such property from the debtor and retain it in your possession until you receive  
17 instructions from the Court which will tell you what to do with the property. With respect to the  
18 debtor's wages, salary, commissions, or bonuses; or periodic payments pursuant to a pension or  
19 retirement program, you must withhold twenty-five percent (25%) of such amount(s) after all deductions  
20 required by law have been withheld. See, 28 U.S.C. §§ 3205(a) and 3002(9).

21 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within 10  
22 days after service of this Writ upon you. You must answer the Writ even if you do not have in your  
23 custody, control, or possession any property of the debtor. Pursuant to 28 U.S.C. § 3205(c)(4), your  
24 answer must state, under oath, the following information:

- 25 a. Whether or not you have in your custody, control, or possession, any property  
26 owned by the debtor in which the debtor has a substantial nonexempt interest,  
27 including nonexempt disposable earnings;

- 1           b.    a description of such property and the value of such property;  
2           c.    a description of any previous garnishments to which such property is subject  
3                and the extent to which any remaining property is not exempt; and  
4           d.    the amount of the debt you anticipate owing to the debtor in the future and  
5                whether the period for payment will be weekly or another specified period.

6           For your convenience, a form which addresses the above-requested information is attached and  
7 may be used to answer the Writ.

8           3.    After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and  
9 (c)(4), within ten (10) days after service of this Writ upon you, you must **mail or deliver** the original  
10 answer bearing the original signature of the person preparing the answer to the Court at the following  
11 address:

12                   Office of the Clerk  
13                   United States District Court  
14                   450 Golden Gate Ave., Box 36060  
                    San Francisco, CA 94102

15           At the same time you mail or deliver the original answer to the Court, you must also **mail or**  
16 **deliver** a copy of the original answer to both the debtor and attorney for the United States at the following  
17 respective addresses:

18                   Jose Francisco Leyva  
19                   c/o Harris B. Taback  
20                   345 Franklin St., Ste. 102  
                    San Francisco, CA 94102

21                   Shining J. Hsu, Assistant U.S. Attorney  
22                   United States Attorney's Office  
23                   450 Golden Gate Avenue, 9th Floor  
24                   P.O. Box 36055  
                    San Francisco, CA 94102

25           Please note that the attached form answer contains a **certificate of service** which needs to be  
26 completed by the person mailing the copies of the answer to the debtor and the attorney for the United  
27 States, and which needs to be filed with the Court along with the answer.

1 IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN  
2 ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT  
3 FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE  
4 WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE  
5 THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO  
6 SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT  
7 WILL ENTER A JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEBTOR'S  
8 NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE  
9 EARNINGS). THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO  
10 THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN  
11 THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION  
12 REQUIRING YOU TO APPEAR.

13 SUSAN Y. SOONG,  
14 Clerk of the Court  
15 United States District Court for the  
Northern District of California

16 Dated: \_\_\_\_\_

1-24-2020

17 By: \_\_\_\_\_

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19 Deputy Clerk  
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